

REMARKS

The present Amendment is submitted as placing the subject Application in immediate condition for Allowance.

The present Amendment is necessary, and was not earlier presented, because the Final Office Action raised new issues.

For the sole reason of removing issues and expediting the allowance, Claims 55 and 57 - 60 are being cancelled. This removes a substantial number of issues for Appeal, and if Allowance is not obtained, entry for purposes of Appeal is requested.

With respect to the merits of remaining sole independent Claim 52, and the 3 dependent Claims 53 - 54 and 56, attention is called to the fact that parent Claim 52 expressly recites:

"(e) said driving means comprising a body
SPACED from said needle assembly; and

(f) said driving means including means for accelerating said body **TO** strike said needle assembly and drive said needle into said surface **AFTER** said body has been accelerated."

In this regard, it is respectfully submitted that the Final Office Action is in error at the bottom of page 5 and the top of the page 6, i.e., the claims do support the arguments made in the previous Amendment.

In brief, what we have is claims with the above-quoted recitations, and a reference with an element 32, which is part of the shaft, and is at no time accelerated "to" strike the needle. Thus, element 32 is not a "block" as recited, and at no time does a spaced apart "block" accelerate and then strike a needle or needle assembly.

It is respectfully requested that the Examiner take renewed notice of the above-quoted claim recitations, and the entirely contrary operation of the reference, and agree that the present reduced number of claims are truly allowable.

With respect to formalities, Applicant has previously explained that an IDS has been filed with the "relevant" references known. The citation of additional references as "background" is both proper and intended to be helpful to both the Examiner and the public.

With respect to the preferred guidelines, Counsel has previously explained that this is an Application filed under the Patent Co-operation Treaty (PCT). While Counsel would

surely use the Preferred Guidelines in a U.S. originating case, Applications filed under the PCT must be accepted as in compliance with our Law.

Lastly, it will be apparent that the claims remain unchanged such that no new issue is presented. Only a request for a brief review of the previous issue and allowance of the reduced number of claims.

Respectfully submitted,

Ronald B. Sherer
Ronald B. Sherer
Counsel for Applicant
Registration No. 19,977

Bartlett & Sherer
103 South Shaffer Drive
New Freedom, PA 17349
Telephone: 717-227-1197
Fax: 717-227-9008